

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10cv490

LAWRENCE LEE ASH,

Plaintiff,

v.

JAMES AMMONS,

Defendant.

O R D E R

THIS MATTER is before the Court for an initial review of Plaintiff's Complaint pursuant to 42 U.S.C. § 1983 (Doc. No. 1), filed October 1, 2010.

Venue in a civil action based upon a federal question is proper in: 1) a judicial district where any defendant resides, if all defendants reside in the same State, 2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or 3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b).


Plaintiff indicates in his Complaint that the Defendant is a judge at the Cumberland County Courthouse which is located in the Eastern District of North Carolina. It thus appears from the face of the Complaint that the Defendant does not reside in the Western District of North Carolina and most likely resides in the Eastern District of North Carolina. In addition, the actions which form the basis of the Complaint – alleged racist and discriminatory remarks made by the Defendant during trial proceedings in 2003 – did not occur in the Western District of North Carolina but in the Eastern

District of North Carolina.

Because the face of the Complaint does not support a finding that the Defendant resides in the Western District and most likely resides in the Eastern District and because the events that form the basis of the Complaint occurred in the Eastern District, the Court will transfer this case to the Eastern District of North Carolina.

THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Complaint and all documents contained in his case file be **TRANSFERRED** to the United States District Court for the Eastern District of North Carolina.

Signed: October 7, 2010


Robert J. Conrad, Jr.
Chief United States District Judge

